

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
Plaintiff,) 8:09CR291
)
vs.) ORDER
)
JOHN R. BRIASCO,)
)
Defendant.)

This matter is before the court on the motion of defendant John R. Briasco (Briasco) to reconsider detention (Filing No. 34). Briasco requests to be released on electronic monitoring and in the custody of his sister as a third party custodian in Massachusetts.

Briasco has an extensive criminal history. It consists of drug and violent offenses. Briasco has 43 felony arrests on his record with 12 felony convictions with a poor performance while on a conditional release. His last term of probation which began on November 14, 2001, for felony larceny of a motor vehicle and possession of burglary tools had violations filed on 3 different occasions. The final violation resulted in him being committed to a correctional facility on May 22, 2007. Even though Briasco reappeared in Buffalo County on the Nebraska state charges after having been released on an appearance bond following his arrest on the Interstate, the court finds Briasco's criminal history and performance on supervision militate against release.

The undersigned magistrate judge finds the proposal of Briasco in his motion to be inadequate to reasonably assure the safety of the community if he were released. Briasco's motion will be denied in its entirety.

IT IS ORDERED:

Briasco's motion to reconsider detention (Filing No. 34) is denied.

ADMONITION

Pursuant to NECrimR 57.2 any appeal of this Order shall be filed with the Clerk of the Court within ten (10) business days after being served with a copy of this Order. Failure to timely appeal may constitute a waiver of any objection to the Order. The brief in support of any appeal shall be filed at the time of filing such appeal. Failure to file a brief in support of any appeal may be deemed an abandonment of the appeal

DATED this 4th day of November, 2009.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge